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October 12, 2018

Via Electronic Mail

Andi Gulley, Esq.
Gibbs & Bruns LLP
1100 Louisiana
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Houston, TX 77002

Britt M. Miller, Esq.
Mayer Brown
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Re: *In re Dealer Management Systems Antitrust Litigation*, MDL No. 2817

Dear Andi and Britt:

We write to update you on the deposition notices we plan to serve next week for the additional depositions to go forward in October and November, as well as deposition dates for depositions of Plaintiffs.

I. Given the new direction from Judge Gilbert, we are eliminating all previous entries on our proposed calendar, and are scheduling the following depositions for October and November. Attached too is an updated calendar reflecting these dates.

1. Beth Ayotte (CDK) – Oct 18 at Meyer Brown Chicago
2. Steve French (CDK) - Oct 25
3. Leigh Ann Conver (CDK) – Oct 30
4. Robert Burnett (Reynolds) – November 1
5. Kevin Distelhorst (CDK) – November 8
6. Jon Martin (Reynolds) – November 9
7. Trey Gerlich (CDK) – November 13
8. Chris Hellyer (Reynolds) – November 15
9. Bob Brockman (Reynolds) – November 20
10. Ron Workman (CDK) – November 28
11. Keith Hill (Reynolds) – November 30

II. With respect to the witnesses you have requested of Plaintiffs, we can offer the following:

1. Brian Clements on October 24, as you have requested. The deposition will take place in Washington, D.C. at Kellogg Hansen's offices. The start time will need to be 8:30 a.m. given Mr. Clements' flight plans that evening.
2. Joe Nemelka on November 14 in Los Angeles. We will let you know the precise location later. We are offering that date on the condition that Defendants identify their other MVSC witnesses so that they can be deposed on November 15 and November 16, also in Los Angeles.
3. As for Bryan Anderson, Keith Jezek, and Mr. Petruzzelli, we are still working on dates for them, and hope to get back to you early next week.

The attached calendar also reflects these dates.

III. We also are attaching the depo protocol with our edits. We are unclear as to what Magistrate Gilbert ultimately concluded regarding the number of depositions in a week per party. Until we have clarity from the transcript, we have removed that sentence.

IV. We are disappointed that Defendants are not willing to meet with us in person to discuss several important matters. As we stated, Shannon McNulty has volunteered to host the meeting at Bob Clifford's office. Even though Defendants are not willing to meet in person, we would still like to meet and confer on the following topics next week. We therefore request a meet and confer on Tuesday or Wednesday of next week. Please let us know when you are available on those days. The issues we would like to discuss are:

1. The scheduling of witnesses for depositions, and fleshing out the depo calendar
2. The case calendar, including the dates for expert and summary judgment/Daubert briefing in light of the Court's comments at the hearing on Tuesday
3. Authentication of party and third-party documents
4. Business record certification of party and third-party documents
5. 30(b)(6) depositions and topics
6. Privilege log issues

Very truly yours,

s/ Derek T. Ho
Derek T. Ho

s/ Peggy J. Wedgworth
Peggy J. Wedgworth